

**Response Under 37 CFR 1.116**  
**Expedited Procedure**  
**Examining Group 1761**  
Appl. No. 10/712,941  
Amendment dated 1-30-2006  
Reply to Office Action of 10-28-2005  
Attorney Docket No. 916-032119

**REMARKS**

Claims 1-21 are pending in the application. All claims have been rejected.

More specifically, claims 1, 2 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Design Patent No. D263,268 to Rein.

Claims 3-6 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rein in view of Jackson.

Claims 7-10, 13-17 and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable of Jackson in view of Doyle et al. The Action has been made final.

Independent claims 1 and 12 have been amended herein. Claim 1 has incorporated the subject matter of claims 3 and 4 therein to further provide that the exterior surface of the bakeware is also formed with an embossed textured surface pattern thereon wherein the embossed exterior surface pattern comprises a plurality of spaced-apart, depressed, straight-sided geometric shapes separated by at least two sets of raised ridges, a first of said sets of raised ridges comprising a plurality of parallel extending ridges and a second set comprising a plurality of parallel extending ridges, wherein said first and second sets of ridges intersect with each other to define at least a portion of said straight-sided geometric shapes. Claim 1 has been further amended to specify that the respective raised geometric shapes and depressed geometric shapes and the respective depressed grooves and raised ridges are aligned in register with each other on opposite sides of the bakeware. This further limitation in the claim finds support in the drawings as best seen in Figs. 3A-3C depicting the respective raised and depressed diamonds 4 and 7 are in vertical register with one another as are the depressed grooves 5 and raised ridges 8. In this manner, the cross-sectional thickness of the bakeware 1 remains constant to provide strength and uniform thermal expansion and contraction characteristics. This feature of the invention is also

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described in paragraph [0049] appearing on page 7 of the instant specification. This alignment and registry of the respective raised and depressed geometric shapes, preferably diamond shapes, and respective depressed grooves and raised ridges has also been added to independent claim 12 to further define over the cited prior art.

It is submitted that the claims in their presently amended condition patentably define over the cited prior art, and the Examiner's reconsideration is respectfully requested.

The newly-cited patent of Rein merely discloses a design for an oven-heated tray which comprises a waffle iron shaped plate fitted at the bottom of the tray extending over the inner surface thereof. According to Fig. 7, it would appear that the waffle shaped portion is a separate insert placed on the inner surface of the tray and is not an integral part thereof, as evidenced by the lack of cross-hatching thereon. In any event, the waffle shaped insert only extends along a portion of the inner surface of the tray of Rein and is not formed on the outside thereof. This is hardly surprising because it appears that the oven-heated tray of Rein is a heavy cast metal structure such as cast iron and could not be embossed on both sides as by rolling, as in the instant bakeware made from sheet metal.

The cast oven-heated tray of Rein could hardly be combined with the rolled embossed structure of Jackson as proposed by the Examiner because a heavy cast metal section could not be roll formed in the manner of the relatively thin metal of Jackson, for example, shown in Fig. 4. In this regard, persons skilled in the art would not combine Rein with Jackson as proposed by the Examiner because the heavy cast metal of Rein could not be treated by roll embossing or stamping in the manner of the baking pan of Jackson. Even if combined, however, as previously pointed out in the response filed by Applicant on September 21, 2005, the pan of Jackson does not include a food-contacting surface having raised geometric shapes with flat surfaces which lie in a common plane separated by

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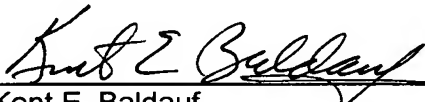
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depressed grooves to define the food-contacting surface. To the contrary, the baking pan of Jackson is made up of depressed geometric shapes 11 and raised elevations 12 with flat angular facets 13 extending downwardly from the elevations 12 to the depressions 11. In other words, the geometric shapes 11 of Jackson formed along the food-contacting surface do not lie in a plane but, rather, are depressed completely the opposite from Applicant's claimed structure. The patent to Doyle adds nothing of substance to the rejection since, once again, Doyle, like Rein, only discloses a textured surface on the interior of the cooking surface and such a surface comprises circular raised dots which do not meet the claim limitations.

For the reasons stated hereinabove, taken with the present amendments, the Examiner's favorable action with respect to claims 1-2 and 5-21 is respectfully requested.

Respectfully submitted,

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